Arezoo Jamshidi (Bar No. 284220)
ajamshidi@hbblaw.com
Jeffrey Kirwin (Bar No. 345781)
jkirwin@hbblaw.com
HAIGHT BROWN & BONESTEEL LLP
edocs@hbblaw.com
2030 Main Street, Suite 1525
Irvine, California 92614
Telephone: 714.426.4600
Facsimile: 714.754.0826

Attorneys for Defendants THE GUILD LAW SCHOOL DBA PEOPLE'S COLLEGE OF LAW, JOSHUA GILLENS, WILLIAM MAESTAS, BOARD OF DIRECTORS FOR THE PEOPLE'S COLLEGE OF LAW, CHRISTINA MARIN GONZALEZ; ROGER ARAMAYO; ISMAIL VENEGAS; CLEMENTE FRANCO; HECTOR PENA; PASCUAL TORRES; CAROL DEUPREE; JESSICA VIRAMONTES; JUAN SARINANA; ADRIANA ZUNIGA; PREM SARIN; DAVID BOUFFARD; and HECTOR SANCHEZ

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

TODD R. G. HILL,

Plaintiff,

v.

THE BOARD OF DIRECTORS, OFFICERS AND AGENTS AND INDIVIDUALS OF THE PEOPLES COLLEGE OF LAW; et al.

Defendants.

Case No. 2:23-cv-01298-JLS-BFMx

DEFENDANTS' REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S FOURTH AMENDED COMPLAINT

Judge: Josephine L. Staton
Magistrate: Brianna Fuller Mircheff

Defendants THE GUILD LAW SCHOOL DBA PEOPLE'S COLLEGE OF LAW, JOSHUA GILLENS, WILLIAM MAESTAS, BOARD OF DIRECTORS FOR THE PEOPLE'S COLLEGE OF LAW, CHRISTINA MARIN GONZALEZ, ROGER ARAMAYO, ISMAIL VENEGAS,; CLEMENTE FRANCO, HECTOR PENA, PASCUAL TORRES, CAROL DEUPREE, JESSICA VIRAMONTES, JUAN SARINANA, AND JOSHUA GILLEN (hereinafter collectively referred to as

"Defendants") hereby submit their Reply to Plaintiff's Opposition to Defendants' Motion to Dismiss Plaintiff's Fourth Amended Complaint.

DATED: May 9, 2025

HAIGHT BROWN & BONESTEEL LLP

By: /s/ *Arezoo Jamshidi*
Arezoo Jamshidi
Jeffrey Kirwin
Attorneys for Defendants THE GUILD LAW SCHOOL DBA PEOPLE'S COLLEGE OF LAW, JOSHUA GILLENS, WILLIAM MAESTAS, BOARD OF DIRECTORS FOR THE PEOPLE'S COLLEGE OF LAW, CHRISTINA MARIN GONZALEZ; ROGER ARAMAYO; ISMAIL VENEGAS; CLEMENTE FRANCO; HECTOR PENA; PASCUAL TORRES; CAROL DEUPREE; JESSICA VIRAMONTES; JUAN SARINANA; ADRIANA ZUNIGA; PREM SARIN; DAVID BOUFFARD; and HECTOR SANCHEZ

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

In his Opposition to Defendants' Motion to Dismiss Plaintiff's Fourth Amended Complaint (the "Opposition"), Plaintiff fails to dispute the arguments raised in Defendants' Motion. Plaintiff merely re-states the same conclusory and inadequate allegations made in Plaintiff's Fourth Amended Complaint. Plaintiff argues that the Fourth Amended Complaint complies with Rule 8 simply because the Magistrate Judge determined the Third Amended Complaint did not run afoul to the rule. Additionally, Plaintiff does not adequately refute that the RICO cause of action failed to meet the heightened pleading standard, failed to allege an enterprise, failed to establish a pattern or racketeering activity, and did not plead a proper injury to Plaintiff's business or property. Plaintiff's conclusory allegations also do not sufficiently dispute the failures to properly plead his state law claims. There, as is prevalent throughout the Opposition, Plaintiff re-alleges the same allegations contained in the Fourth Amended Complaint.

II. ARGUMENT

A. Defendant's Complied with Local Rule 7-3

Plaintiff appears to assert that Defendants' counsel did not comply with Local Rule 7-3 prior to filing the Motion. [Dkt. No. 272, p. 5:17-8:8] As previously explained, Plaintiff refused to meet and confer unless Defendants provided Plaintiff with a list of detailed information regarding the desired motion. [Dkt. No. 270, p. 2:14-3:6] Plaintiff claims that Defendants previously provided a detailed outline, and therefore Defendants concede that such a request is reasonable. [Dkt. No. 272, p. 5.] Defendants did not believe that such a request was reasonable then (especially after accusing Defendants' counsel of not providing enough detail in the outline and refusing to meet and confer until we provided more details), nor do they believe such a request is reasonable now.

Although Plaintiff argues that the rule requires the production of the information sought by Plaintiff, it fails to address this Court's own order stating the opposite. Here, when discussing Local Rule 7-3, the Court has explained: "Nowhere in the Rule, however, is there a requirement that opposing counsel provide specific legal grounds or factual basis for the contemplated motion in writing to meet and confer." [Dkt. No. 269] Plaintiff's cited authority to reinforce his contention regarding the necessity to provide detailed outlines in advance of the meet and confer does support his argument. In fact, neither Court in *Tatum v. Shwartz* 2007 WL 2220977, (E.D. Cal. Aug. 2, 2007), nor *Jones v. Cmty. Redev. Agency of Los Angeles*, 733 F.2d 646, 649 (9th Cir. 1984), mention meet and confer requirements or Local Rule 7-3. The *Tatum* Court also did not state Plaintiff's quoted sentence. *Tatum v. Shwartz* 2007 WL 2220977.

Thus, Plaintiff's demand for the written specific legal grounds and factual basis for Defendants' motion as a condition to meet and confer was improper and Defendants did not violate the rule.

B. <u>The Fourth Amended Complaint Violates FRCP 8</u>

Plaintiff claims the Fourth Amended Complaint satisfies FRCP 8 merely because the Court found the Third Amended Complaint did not violate the rule. [Dkt No. 272, p. 9:11-12; 9:13-23] The Opposition fails to cite any authority or basis for the conclusion that Defendants are precluded from arguing that the Fourth Amended Complaint does not comply FRCP 8 because Plaintiff removed certain causes of action and the Court previously determined the Third Amended Complaint complied with the rule. Plaintiff has not provided any authority that a court's ruling on a prior Complaint regarding FRCP 8 precludes Defendants from again moving to dismiss the subsequent amended complaint on the same grounds.

Next, Plaintiff asserts incorporation by reference is a standard practice. [Dkt. No. 272, p. 10:10-11] Although incorporation of prior statements is generally, permissible, the use of such method cannot excuse compliance with FRCP 8.

Plaintiff's use of the method in the Fourth Amended Complaint, in part and in conjunction with the other reasons stated in Defendant's Motion, causes it to violate the rule. Notably, the incorporated paragraphs often do not apply to the cause of action and prevent Defendants from determining what alleged conduct gave rise to the causes of action. For example, Plaintiff incorporates paragraphs 1-121 for his second cause of action despite many of the referenced allegations having no applicability to the cause of action or the named Defendants. Paragraph 34, incorporated into the cause of action, alleges PCL owned real property. [Dkt. No. 272, p. 7:3-6.] Ownership of real property does not have any probative value and does relate in any way as to whether Plaintiff was discriminated against. More importantly, the Court has admonished Plaintiff for his use of incorporation by reference, yet Plaintiff continues to deploy it. [Dkt. No. 45, p. 5-6.]

Plaintiff also states the Fourth Amended Complaint was targeted and does prevent Defendants from understanding the claims made against them. [Dkt. No 272, p. 10:15-21.] Plaintiff claims that the Ninth Circuit consistently rejects dismissal "under Rule 8 where the complaint, even if lengthy, provides coherent, structured, and factually grounded allegations." [*Id*. at p. 9.] However, the Fourth Amended Complaint is far from coherent, structured and factually grounded. There are numerous examples provided in the Motion that demonstrate an inability to understand the basic facts of the causes of action, such as which causes of action are against which defendants. More importantly, it is impossible to determine what actions and by whom support the causes of action.

Moreover, Plaintiff argues the use of definitions provided clear notice to Defendants. [Dkt. No. 272, p. 11:9-20] Plaintiff claims that "[e]ach cause of action in the FAC includes a caption that identifies the specific defendants named in that claim, providing clear notice of who is alleged to be liable." [*Id*. at p. 11:9-11.] Although individuals are named below the causes of action, some named Defendants are undefined terms and Plaintiff's description of Defendants' roles do

not provide a basis to determine whether an unnamed individual is included in the undefined term, and thus included in the cause of action. For example, the Fourth Cause of Action names The Board of Directors, Officers, and Agents of Peoples College of Law, among others. [Dkt. No. 272, p.58:19-21.] The names listed are not named Defendants and Plaintiff's description of Defendants' roles with the Board vary between serving on the board at various times, past served as board member, and served on the board after November 2021. [Dkt. 272, p.3:1-4:25.] Therefore, Plaintiff's allegations are non-specific as to who was a part of the Board when it committed the alleged conduct, so the Defendants not specifically named but which were a part of the Board at one point cannot determine whether they are named in the cause of action.

Contrarily, the defined terms in the Fourth Amended Complaint do not state which specific named Defendants are included within each term. [Dkt. 257, p, 6:9-15] Moreover, Plaintiff does not list the entity "The Board of Directors, Officers and Agents of the Peoples College of Law" as a party defendant in the Fourth Amended Complaint. [Dkt. 275, p. 3-4.] Yet, Plaintiff's third cause of action for negligence and negligence per se references PCL's "Board of Directors." [Dkt 257, p. 45, above ¶ 167.] Further, Plaintiff's fourth cause of action references "The Board of Directors, Officers, and Agents of the Peoples College of Law." [Dkt. 257, p. 58, above ¶ 210.] It is unclear which individual defendants should be included in these definitions and therefore the cause of action. Thus, Plaintiff's Fourth Amended Complaint does not apprise Defendants of the claims being made against them and violates FRCP 8.

Plaintiff further contends that "lumping" defendants is not fatal because enterprise or institutional liability is pled. Plaintiff did not cite any authority for this contention. Plaintiff also failed to address *Cisneros v. Instant Capital Funding Grp., Inc.*, 263 F.R.D. 595, 606–07 (E.D.Cal.2009) which held that a complaint cannot merely lump defendants together. Importantly, the facts and pleadings presented to

the *Cisneros* court involved a plaintiff's complaint against a business enterprise. Therefore, the Court's holding applies to the instant matter and no enterprise or institutional liability exception applies. Instead, Rule 8 requires that Plaintiff's Fourth Amended Complaint be a short and plain statement of his claims. Additionally, Rule 8 does command Defendants to request a more definite statement if the complaint violates Rule 8. Rule 12(e) states, "A party may move for a more definite statement of a pleading to which a responsive pleading is allowed . . ." (Rule 12(e)). Thus, Defendants were not required request a more definite statement.

C. The Fourth Amended Complaint Fails to State a RICO Cause of Action

Plaintiff does not refute that the Fourth Amended Complaint did not plead an association-in-fact enterprise. As stated in Defendants' Motion, "[t]o allege an association-in-fact, the complaint must describe "'a group of persons associated together for a common purpose of engaging in a course of conduct[ ]' ... [and] must provide both 'evidence of an ongoing organization, formal or informal,' and 'evidence that the various associates function as a continuing unit.'" *Doan v. Singh*, 617 F. App'x. 684, 686 (9th Cir. 2015) (quoting *United States v. Turkette*, 452 U.S. 576, 583, 101 S.Ct. 2524, 69 L.Ed.2d 246 (1981) and *Odom v. Microsoft Corp*., 486 F.3d 541, 551 (9th Cir.2007)). Plaintiff merely states that Pena, Gonzalez, Gillens, and Spiro were "overlapping actors" but does not identify the common purpose, ongoing organization, and evidence of the various individuals functioning as a continuing unit. [Dkt. 272, p. 12-26-28.] Overlapping acts are a far cry from a group of people with a common goal functioning as a continuing unit.

Plaintiff alleges a conclusory statement that a common purpose existed among the Board to preserve the institutional façade through coordinated misrepresentation and other practices. [Dkt. 272. p, 19:1-8.] Firstly, Plaintiff does not define the Board and agents of PCL so he did not allege the individuals named under the cause of action were a part of the alleged common purpose. Thus, there

was no unit that could have had a common purpose. Additionally, Plaintiff failed to allege there was an ongoing organization and/or a continuing unit which must be plead to establish a common purpose. *See Odom v. Microsoft Corp*., 486 F.3d at 551. To satisfy the continuing unit requirement, Plaintiff must have plead the associates behavior was ongoing. *Id.* The Fourth Amended Complaint cites certain individuals performed actions on various dates, but it does not allege that a specified groups of individuals acted throughout the dates alleged. For example, Plaintiff alleged Pena, Gonzalez, and Gillens obstructed him, however, he does not provide a date for the obstruction and does not allege the same individuals performed similar or different conduct that occurred at later dates. [Dkt. 272, p. 12-26-28.]

Plaintiff also appears to allege the Defendants' Motion argued that PCL needed to be included in the RICO cause of action for an enterprise to be properly plead. [Dkt. 272, p. 14:10-15:19.] Specifically, Plaintiff states "To the extent Defendants suggest that PCL must be named individually in the caption, Plaintiff notes that enterprise in this RICO claim is the governing structure of the Peoples College of law – including its Board, Officers, and Agents – not the entity as such." [Dkt. 272 p, 14:10-15.] Defendants' Motion does not assert PCL must be a named entity under the RICO cause of action. The Motion specifically noted that Plaintiff alleged an association-in-fact among the individuals named, however, he did not plead how the group associated together for a common purpose and a continuing unit. [Dkt. 270 p. 12:3-10.]

Plaintiff also seeks to open discovery to determine whether the individuals were operating separately from PCL. [Dkt No. 272, p. 15:9-19.] Again, Defendants' Motion addresses the individuals named under the cause of action and disputes that an association-in-fact was properly plead among the named individuals. The cited case law for Plaintiff's position does not support his contention. The Court in *Living Designs, Inc. v. E.I. DuPont de Nemours & Co*., 431 F.3d 353 (9th Cir. 2005), determined a corporation was separate from the law firm defending the corporation.

The Court did not rule that opening discovery to determine the entity plead was required nor did it contain the quoted language in Plaintiff's Opposition. No clarification or discovery is required to determine that an enterprise-in-fact was not plead.

Plaintiff also re-asserts the same allegations in the Fourth Amended Complaint regarding pleading a RICO injury and the heightened pleading standard for the racketeering activity. [Dkt. p, 13:6-28.] Plaintiff points to paragraphs 84, 123, 138, 148 and 149 to support his position that he met the heightened pleading standard. These paragraphs, however, do not identify the time, place, and specific representations of the alleged racketeering activity as required. *Odom*, 486 F.3d at 553-56. The paragraphs, instead, discuss the following:

- 84: Defendant Spiro approved Plaintiff to work 40 hours a week to credit against his tuition;
- 123: Defendants' actions caused Plaintiff damages;
- 138: communications regarding transcripts and payments induced Plaintiff to make tuition payments;
- 148: actions by Defendants resulted in Plaintiff's harm; and
- 149: Plaintiff paid $55,00 in tuition and was delayed in professional licensure.

The only paragraph which discusses named Defendants is paragraph 138. There, Plaintiff references paragraph 137 which alleges certain Defendants sent false or inaccurate transcripts, misrepresented curriculum information, and collected tuition payment. The alleged and conclusory predicate acts fail to state the time, date, and place of the alleged misrepresentation. The allegations also fail to identify a false representation occurred. Similarly, Exhibit 10 to Plaintiff's Fourth Amended Complaint suffers from the same errors. The conclusory allegations contained therein often fail to identify the individuals to the alleged false representation. The allegations also frequently fail to allege time and place of the false representation.

Thus, Plaintiff failed to meet the heightened pleading standard in the Fourth Amended Complaint.

Moreover, Plaintiff does not provide anything more regarding a RICO injury than allegations regarding intangible property interests and tuition payments. [Dkt. no. 272, p. 17:17-18:19.] Specifically, Plaintiff claims "Plaintiff suffered the loss of both educational investment and professional access . . ." [Dkt no. 272, p. 17:25-26.] Educational investment and professional access are obvious examples of the intangible interests Plaintiff claims to have suffered. As previously explained, the Ninth Circuit requires that a plaintiff asserting injury to property allege "concrete financial loss." *Oscar v. Univ. Students Coop. Ass'n*, 965 F.2d at 785. "Financial loss alone, however, is insufficient." *Canyon Cnty. v. Syngenta Seeds, Inc.*, 519 F.3d 969, 972 (9th Cir. 2008). Merely alleging Plaintiff made tuition payments is not sufficient. *Canyon Cnty*, 519 F.3d at 975-76 (allegation that County was forced to spend millions of dollars for health care services insufficient to establish standing under RICO).

Plaintiff's reliance on *Bridge v. Phoenix Bond & Indem. Co.*, 553 U.S. 639 (2008) regarding his claims he suffered a proper RICO injury is not supported by the case. Plaintiff relies on *Bridge* to assert that RICO standing does not require the "strict formulation of directness" and the alleged doctrine that education contracts and fraud in the inducement relating tuition are proper RICO injuries. [Dkt. no. 272, p. 18:1-4; 18:15-18.] In *Bridge*, the court discussed whether first party reliance was an element of a civil RICO claim based on mail fraud. *Bridge*, 553 U.S. at 642. The quote cited by Plaintiff does not appear in the case and the opinion certainly does not provide a basis regarding educational contracts and tuition payments as RICO injuries.

Clearly, Plaintiff fails to dispute that the Fourth Amended Complaint did not properly plead a racketeering activity according to the heightened pleading standard. Plaintiff also did not allege an injury to his business or property. Moreover, the

Fourth Amended Complaint did not properly plead an enterprise. Thus, the Fourth Amended Complaint did not state a RICO cause of action.

D. The Fourth Amended Complaint Fails to State a Cause of Action for the Violation of the Unruh Civil Rights Act

Plaintiff asserts that he plead allegations of intentional discrimination because a disparate impact among similarly situated individuals may support an inference of intentional discrimination. [Dkt. No. 272, p. 22:14-17; 23:1-6, 10-17; 24:1-5.] In doing so, the only authority Plaintiff cites is *Koebke v. Bernado Heights County Club* 36 Cal. 4th 824 (2005). However, the Court in *Koebke* held and confirmed the exact opposite contention that Plaintiff claims it did.

The Court specifically noted, "If the Legislature had intended to include adverse impact claims, it would have omitted or at least qualified the language in Section 51." *Koebke*, 36 Cal. 4th at 837. Moreover, the Court stated, in citing a prior ruling, "We held therefore 'That a Plaintiff seeking to establish a case under the Unruh Act must plead and prove intentional discrimination in public accommodations in violation of the terms of the Act. A disparate impact analysis of the test does not apply to Unruh Act claims.'" *Koebke*, 36 Cal. 4th at 837 (quoting *Harris v. Capital Growth Investors XIV*, 52 Cal. 3d 1142, 278 (1991)) The remainder of the *Koebke* opinion followed the *Harris* analysis regarding the rejection of the disparate impact analysis for Unruh Civil Rights claims.

Plaintiff's allegation that Nancy Popp received a transcript correction but Plaintiff did not because of his race was tantamount to disparate treatment does not rise to the level of intentional discrimination. [Dkt. No. 272, p.22:8-20.] As explained by Plaintiff, "the Board had not decided to correct the other student's transcripts." [Dkt. No. 272, p.22:13.] Thus, all students experienced the same result, regardless of race. Moreover, the one instance cited is the only example of the alleged violation and cannot establish intentional discrimination. Courts have held that "In federal court, a plaintiff cannot plead discriminatory intent merely by

making a conclusory allegation to that effect. Rather, the complaint must include some factual context that gives rise to a plausible inference of discriminatory intent." *Duronslet v. County of Los Angeles* 266 F. Supp. 3d 1213, 1217 (C.D. Cal. 2017) (internal quotations marks and citations omitted). Moreover, in *Earll v. eBay, Inc.*, No. 5:11–cv–00262–JF (HRL), 2011 WL 3955485, at *3 (N.D.Cal. Sept. 7, 2011) the Court held Defendants knowledge of Plaintiff's disability, knowledge on how to deal with it, but causing the police to extract Plaintiff from the premises was not enough to plead intentional discrimination. Aside from the conclusory allegations of malicious conduct, there was no indication the "conduct was undertaken to discriminate against Plaintiff because of his disabilities." *Id.* Similarly, Plaintiff's allegation of one instance of Ms. Popp receiving a corrected transcript is insufficient to allege Defendants actions were undertaken to discriminate against Plaintiff because of his race, much less intentionally.

Thus, Plaintiff fails to disprove that the Fourth Amended Complaint did not plead intentional discrimination and thus failed state a cause of action for violation of the Unruh Civil Rights Act.

E. <u>The Fourth Amended Complaint Fails to State Any Negligence Cause of Action</u>

Plaintiff did not oppose the arguments set forth in Defendants' Motion. Plaintiff only acknowledges the fact the Fourth Amended Complaint failed to identify whether the named Defendants acted within their official capacity. [Dkt. 272, p. 24:24-25:7] Thus, the Fourth Amended Complaint does not allege Defendants acted within their official capacity, so it fails to state a cause of action for Negligent Hiring, Retention, and Supervision against them.

Plaintiff also fails to dispute that Defendants are immune under California Corporation Code section 5047.5(b) because they were unpaid and PCL was a nonprofit organization. The code provides "Except as provided in this section no cause of action for monetary damages shall arise against any person serving without

compensation as a director or officer of a nonprofit corporation…" Plaintiff is correct that the Code contains an exception for fraud, willful misconduct, and gross negligence. Cal. Corp. Code § 5047.5(b). However, the immunity defense is asserted against Plaintiff's negligence causes of action—not fraud, willful misconduct or gross negligence. Additionally, Plaintiff has not provided any authority as to why the immunity cannot be raised in a motion to dismiss. Rule 12(b)(6) specifically notes "Every defense to a claim for relief if any pleading must be asserted in the responsive pleading if one is required. But a party may assert the following defenses by motion: failure to state a claim upon which relief can be granted." The fact that the immunity applies to Defendants is a basis by which the negligence claims cannot be granted. Therefore, immunity applies and negligence cannot be plead against Defendants.

Plaintiff's other argument regarding the immunity is that Defendants claimed the Fourth Amended Complaint does not specify whether Defendants are named in their individual or official capacity, but invoke the immunity which applies to their official role. [Dkt. No. 272, p.24:25-25:9.] Plaintiff's Fourth Amended Complaint is unclear and does not specify whether the alleged conduct was performed officially. Thus, Defendants were forced to invoke the immunity in the chance Plaintiff is alleging the actions were performed during Defendants official capacity. The lack of specificity adds to the issues of determining which Defendants are included in the causes of action which adds to the basis that the causes of action fail to state a claim.

Plaintiff also did not address the fact the Fourth Amended Complaint failed to identify which defendants are included in the causes of action. Although the parenthetical under the negligence causes of action lists certain defendants, subsequent paragraphs use of "Defendants" without definition of which Defendants it includes. As explained, Plaintiff uses undefined terms and does not specify which, if any, individuals belong to the undefined groups. For example, in paragraph 178, Plaintiff alleges "Defendants, as officers and directors of PCL, had a duty to ensure

the accuracy of student transcripts…" This creates the assumption that "Defendants" only includes the individual Defendants, and not PCL. Thus, the negligence causes of action fail to state any negligence causes of action against Defendants.

F. **Diversity Jurisdiction Also Fails**

Plaintiff provides that even if the RICO cause of action fails to state a claim, the Court still has jurisdiction over the suit because of diversity jurisdiction. [Dkt. 272, p.19:21-21:5.] Diversity jurisdiction requires complete diversity of citizenship. *Strawbridge v. Curtiss, 3 Cranch* 267, 2 L.Ed. 435 (1806). Thus, Plaintiff must be diverse from each Defendant. Moreover, Plaintiff bears the burden of proving diversity exists. *Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001). The Fourth Amended Complaint only states " . . .Defendants predominantly reside and conduct business within the State of California." [Dkt. 257, p. 5:26-6:3.] Clearly, Plaintiff has failed to plead complete diversity by merely saying Defendants predominantly reside in California. The Fourth Amended Complaint also fails to plead that no Defendant also lives in Texas, which would be detrimental to Plaintiff's claim for diversity jurisdiction. Plaintiff's cited case law of *Levine v. Entrust Grp., Inc.*, WL 2606407 (N.D. Cal. June 11, 2013) does not address diversity jurisdiction and therefore cannot support his contention that failure to allege complete diversity eliminates his claim that his suit survives on diversity grounds.

G. **Plaintiff Should Not be Allowed Leave to Amend**

Plaintiff bases his request for an additional amendment on his contention that he has not disobeyed a court order and has not repeatedly violated rules. [Dkt. 272 p. 29:8-25] That is not the determining test for whether a complaint should be dismissed without leave to amend. Instead, the Court in *Schucker v. Rockwood* stated "Dismissal of a pro se complaint without leave to amend is proper only if it is absolutely clear that the deficiencies of the complaint could not be cured by

amendment." 846 F.2d 1202, 1203-04 (9th Cir. 1988) (internal quotations marks and citations omitted).

Here, Plaintiff has been afforded more than ample opportunities to file a compliant Complaint. The Court has even provided written recommendations addressing in detail the deficiencies of some of the Complaints. The reports should have allowed Plaintiff to address the deficiencies. Even with the several attempts and written reports from the Court, Plaintiff's Fourth Amended Complaint exhibits the same errors consistent in each Complaint.

Additionally, Plaintiff's cited case of *Forman v. Davis* 371 U.S. 178 (1962), even notes that repeated failure to cure deficiencies by amendments already given and the futility of amendments is a basis to dismiss the complaint without leave to amend.

Thus, it is absolutely clear Plaintiff cannot write a compliant Complaint regardless the amount of attempts he will be provided.

III. CONCLUSION

For the foregoing reasons, Defendants respectfully request the Court grant their Motion and dismiss the Fourth Amended Complaint with prejudice.

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STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1

The undersigned counsel of record for Defendants certifies that this brief contains 4470 words which complies with the word limit of L.R. 11-6.1.

DATED: May 9, 2025

HAIGHT BROWN & BONESTEEL LLP

By: /s/ *Arezoo Jamshidi*
Arezoo Jamshidi
Jeffrey Kirwin
Attorneys for Defendants THE GUILD LAW SCHOOL DBA PEOPLE'S COLLEGE OF LAW, JOSHUA GILLENS, WILLIAM MAESTAS, BOARD OF DIRECTORS FOR THE PEOPLE'S COLLEGE OF LAW, CHRISTINA MARIN GONZALEZ; ROGER ARAMAYO; ISMAIL VENEGAS; CLEMENTE FRANCO; HECTOR PENA; PASCUAL TORRES; CAROL DEUPREE; JESSICA VIRAMONTES; JUAN SARINANA; ADRIANA ZUNIGA; PREM SARIN; DAVID BOUFFARD; and HECTOR SANCHEZ

PROOF OF SERVICE

Hill v. The Board of Directors, Officers, et al.

Case No. 2:23-cv-01298-JLS-CFM

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of San Diego, State of California. My business address is 402 West Broadway, Suite 1850, San Diego, CA 92101.

On May 9, 2025, I served true copies of the following document(s) described as **DEFENDANTS' REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S FOURTH AMENDED COMPLAINT** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY E-CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on May 9, 2025, at San Diego, California.

/s/ *Amy Craig*
Amy Craig

Haight

SERVICE LIST
Hill v. The Board of Directors, Officers, et al.
Case No. 2:23-cv-01298-JLS-CFM

Todd R. G. Hill 41459 Almond Avenue Quartz Hill, CA 93551	PRO SE Email: toddryangregoryhill@gmail.com
Robert Ira Spiro Spiro Law Corp 10573 West Pico Boulevard No 865 Los Angeles, CA 90064	Attorney for Robert Ira Spiro Email: ira@spirolawcorp.com
Jean Roche Krasilnikoff The State Bar of California 180 Howard Street San Francisco, CA 94105-1639	Attorney for Defendants Suzanne Celia Grandt, Vanessa Holton, et al. Email: Jean.Krasilnikoff@calbar.ca.gov

Haight